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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/596,469

06/14/2006

Ouelid Abdesselem

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EXAMINER

OBAYANJU, OMONIYI

ART UNIT

PAPER NUMBER

4163

NOTIFICATION DATE

DELIVERY MODE

07/08/2008

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b> 10/596,469	<b>Applicant(s)</b> ABDESSELEM ET AL.	
	<b>Examiner</b> OMONIYI A. OBAYANJU	<b>Art Unit</b> 4163	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 June 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 and 23-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 and 23-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 June 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>06/14/2006</u>  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claim 23, 25, 26, and 27 are rejected under 35 U.S.C. 102(e) as being anticipated by Bensimon (US Patent Publication No. 20040142656).

3. As to claim 23, Bensimon teaches a wireless communication unit (fig 1, #111) comprising:

a receiver section for receiving messages over-the-air in a stream (fig 1, #115) having a parameter that allows for identification of a Content Provider that originated the messages and for identification of a content of the message (pg 3, pp 0047, lines 4-8) a communication interface adapted to connect to an external device (fig 1, #115) and a processor (fig 1, #112) operably coupled to said receiver section and to said communication interface for processing said message, the wireless communication unit characterized by a scanning function to detect and extract an instruction accompanying said message and to transfer said instruction to the processor(fig 1, #112: The microprocessor scans, extracts and processes the message and instruction).

4. As to claim 25, Bensimon further teaches memory is built-in in the wireless communication unit (fig 1, #114)
5. As to claim 26, Bensimon further teaches a Man Machine Interface wherein said processor upon processing of said instruction, is adapted to render said message on said MMI (pg 3, pp 0040, lines 4-7).
6. As to claim 27, the recitation of the interface being "adapted to connect..." has not been given significant patentable weight, since this "adapted to" phrase does not further limit the claim to any particular structure.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-6, 9,10,12,17, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over (Chiu) US Patent Publication No. 20030088633 in view of (Bensimon) US Patent Publication No. 20040142656.
9. As to claim 1, Chiu teaches, a method of remote control of a wireless communication unit operating in a communications network (Abstract, lines 1-4), delivering said message and said instruction to said wireless communication unit, said wireless communication unit processing the instruction (abstract, lines 6-15: instructions can be referred to as control information).

10. Chiu does not teach a Content Provider creating a message in a stream having a parameter that allows for identification of the Content Provider and for identification of a content of the message to be delivered to said wireless communication unit, said Content Provider creating at least one instruction for said wireless communication unit. Bensimon teaches multimedia content comprising identifier for the partner (Creates the message, therefore can be considered a content provider) sending message and the message containing an identifier (pg 3, pp 0047, lines 4-8). Thus, it would have been obvious to one of ordinary skill in the art at time the invention was made to modify the prior art teaching of Chiu with the teachings of Bensimon to enable the identification to the end user of both the content and the origin of the message.

11. As to claim 2, Chiu teaches that said instruction is contained in at least one predefined field of a protocol used for delivering said message (Pg 5, PP 0041, lines 9-20).

12. As to claim 3-5, Chiu teaches instruction is embedded in said message using a Multipurpose Internet Mail Extensions (MIME) method (pg 6, pp 0051 lines 1-5).

13. As per claim 6, Chiu lacks that the instruction identifies a parameter that allows for identification of the Content Provider and for identification of the content of the message and an action to be executed. However this is taught by Bensimon (pg 3, pp 0047, lines 4-16), and use thereof in Chiu's method would have been obvious for the reasons given above.

14. As to claim 9, Bensimon further teaches step of rendering at least one element of a Man Machine Interface of said wireless communication unit is replaced with a second

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element and said second element is delivered with said message (pg 3, pp 0040, lines 4-7), and use thereof in Chiu's method would have been obvious for the reasons given above.

15. As to claim 10, Bensimon is further characterized by a Multimedia Message Service Center (MMSC), (fig 1, #101), processing said instruction before delivering said message and said instruction to the wireless communication unit (pg 4, pp 0049, lines 1-5), and use thereof in Chiu's method would have been obvious for the reasons given above.

16. As to claim 12, Bensimon further teaches a step of authentication and authorization of the Content Provider (pg 4, pp 0049, lines 6-12), and use thereof in Chiu's method would have been obvious for the reasons given above.

17. As to claim 17, Bensimon further teaches message is a Multimedia Message Service (MMS) message (pg 2, pp 0036, lines 9-12), and use thereof in Chiu's method would have been obvious for the reasons given above.

18. As to claim 18, Bensimon further teaches instruction is contained in two predefined fields of said MMS message wherein a first field indicates the stream and a second field indicates an action (pg 3, pp 0047, lines 9-16), and use thereof in Chiu's method would have been obvious for the reasons given above.

19. Claims 7, 8, 11, and 13-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over (Chiu) US Patent Publication No. 20030088633 in view of (Bensimon) US Patent Publication No. 20040142656 and further in view of (Ogilvie) US Patent Publication No 20020026487.

20. As to claim 7 and 11, Chiu and Bensimon teach the limitations as discussed in claim 1 and 6 above, but fails to teach erasing from memory of said wireless communication unit. (Ogilvie) teaches deleting the messages at the recipient's location (communication unit) before or after being displayed (abs, lines 6-12). Thus, it would have been obvious to one of ordinary skill in the art at time the invention was made to modify the prior art teaching of Chiu and Bensimon in view of Ogilvie to achieve an adequate communication system that allows the deletion of contents from the terminal.

21. As to claim 8, Ogilvie further teaches the action comprises rendering of said message on said wireless communication unit (abs, line 9-13) and use thereof in Chiu and Bensimon's method would have been obvious for the reasons given above.

22. As to claim 13-16, Chiu and Bensimon teach the limitations as discussed in claim 1, but fails to teach the method of retrieving said message and said instruction automatically, manually, and/or prompt by the user.

23. Ogilvie teaches message can be removed automatically and manually if the user decides to override the instruction (abs line 4-16 and pg 3-4, pp 0033-0044). Thus, it would have been obvious to one of ordinary skill in the art at time the invention was made to modify the prior art teaching of Chiu and Bensimon in view of Ogilvie to achieve an adequate communication system that allows the selective ability to delete contents from the terminal with or without the recipient's effort.

24. Claims 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over (Bensimon) US Patent Publication No. 20040142656 in view of (Ogilvie) US Patent Publication No 20020026487.

25. As to claim 24, Bensimon further teaches said processor upon processing said instruction (pg 3, pp 0042, lines 3-5). Bensimon fails to teach erasing from a memory of said wireless communication unit previous messages from the Content Provider. Ogilvie teaches automatically deleting messages from the terminal before or after being displayed (abs, lines 9-13). Thus, it would have been obvious to one of ordinary skill in the art at time the invention was made to modify the prior art teaching of Bensimon and Ogilvie to achieve an adequate communication system that allows the deletion of contents from the terminal.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to OMONIYI A. OBAYANJU whose telephone number is (571)270-5885. The examiner can normally be reached on Mon - Fri, 7:30 - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Robinson can be reached on 571-272-2319. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/O. A. O./  
Examiner, Art Unit 4163

/Mark A. Robinson/  
Supervisory Patent Examiner, Art Unit 4163